

KING, MOENCH & COLLINS LLP

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Attorneys for Intervenors,

Morris County Republican Committee,

Laura Ali, in her capacity as Chair of MCRC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as
a candidate for U.S. Senate, et al.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON,
in her official capacity as Monmouth
County Clerk, et al.,

Defendants.

Case No.: 3:24-cv-01098-ZNQ-TJB

**NOTICE OF MOTION TO
INTERVENE PURSUANT TO
FED. R. CIV. P. 24**

**EMERGENCY APPLICATION FOR ENTRY OF AN ORDER GRANTING
INTERVENOR STATUS**

TO: Clerk, United States District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Honorable Zahid N. Quraishi, U.S.D.J.
United States District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 4W
Trenton, New Jersey 08608

ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that proposed Intervenor, the Morris County Republican Committee (“MCRC”) and Laura Ali, in her capacity as Chair, of the Morris County Republican Committee, (collectively, “Republican Intervenor”) by and through their counsel, King, Moench & Collins LLP, shall move for an order permitting them to intervene on an emergency basis and to request an expedited briefing schedule to the extent that any party seeks to object to the intervention as of right or permissive intervention of the proposed Republican Intervenor. As grounds therefor, proposed Republican Intervenor state as follows:

1. This matter was brought by Plaintiffs who are democratic candidates for federal office, running in the June 4, 2024 Democratic party. By way of Verified Complaint and a contemporaneous Motion for Preliminary Injunction, Plaintiffs alleged various violations of their constitutional rights as related to the application of New Jersey’s bracketing and ballot design statutes in the June Democratic Primary election.

2. On March 29, 2024, the Court granted Plaintiffs’ Preliminary Injunction, and prohibited the application of New Jersey’s ballot design and bracketing statutes from being used in the June 4, 2024 Primary Election.

3. On March 29, 2024, proposed Intervenor (then non-party) MCRC submitted a letter to the Court seeking to clarify that based upon the allegations in

the Verified Complaint, the relief sought in the Preliminary Injunction, and the procedural posture of the case, that the March 29, 2024 was limited to the June 4, 2024 Democratic Primary.

4. By way of Letter Order on March 30, 2024, the Court confirmed MCRC's interpretation of the Order and indicated that at this time the Preliminary Injunction is not applied to the 2024 June Republican primary.

5. Since the entry of the Court's March 29, 2024 Preliminary Injunction, several parties have filed motions for a stay and some parties have already sought emergent review in the Third Circuit.

6. The Court has set a deadline of noon on Monday, April 1, 2024, for Plaintiffs to file an opposition to any motions for a stay of the Court's Preliminary Injunction pending review by the Third Circuit on an expedited basis.

7. Following the Court's clarifying Order of March 30, 2024, as to the scope of the Preliminary Injunction, it is unclear whether any parties to this case currently will challenge the Court's correct determination that the Injunction is limited to the 2024 Democratic Primary, either before this Court or on appeal.

8. It is also uncertain whether an expedited appeal by the Third Circuit could impact the Court's March 30, 2024 Letter Order.

9. Currently, there are no Republican political candidates or parties

represented in this case.¹ There is a possibility that in light of the Court's March 30, 2024 Order that other parties may seek Intervention or separately seek judicial relief as to the upcoming June 4, 2024 Republican primary.

10. Given the emergent nature of the pending review of the Court's March 29, 2024, and the potential that the impact and scope of that Order, along with the March 30, 2024 clarifying Order, could be reviewed and impact the rights of proposed Republican Intervenors, we ask for an emergent Order granting Intervention as of right or permissive Intervention as granted to the Camden County Democratic Committee on March 14, 2024.

11. As this Court's decision is likely to be reviewed quickly by the Third Circuit, and review of the Court's March 29th and March 30th Orders could impact proposed Republican Intervenors' rights, Republican Intervenors ask the Court to determine this matter on an emergent basis so that their status moving forward is not uncertain or unclear in any future proceedings.

12. Given the expedited appellate review and the short time period before the June 4, 2024, this motion for Intervention cannot go through the normal motion cycle. Determining the issue of Intervention on an emergent basis will ensure they are prepared to address any issues immediately without delay to address their status.

¹ Although some of clerks in this case are elected Republicans, they are defendants in this case in their capacity as constitutional officers, not as political candidates or partisan party representatives.

13. As the parties and this Court have already addressed similar issues to the Camden County Democratic Committee and the Intervention issues are not particularly complicated, hearing this matter on an expedited basis does not pose an undue burden on the parties.

14. Conversely, if not granted Intervenor status, these parties would be unable to respond to any challenge to the scope of the Court's March 29th and March 30th Order, or its impact on their rights in future elections if the Third Circuit were to expand the current relief, or if this Court subsequently enters future orders as to elections other than the June 4, 2024 Democratic Primary.

Respectfully submitted,

KING, MOENCH & COLLINS LLP
Attorneys for Intervenors

Dated: March 31, 2024

s/Matthew C. Moench
Matthew C. Moench, Esq.